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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3220

2002 AUG -

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July 8, 2002

The Honorable Donald L. Evans  
Secretary of Commerce  
U.S. Department of Commerce  
14th Street Between Constitution & Pennsylvania Avenues, NW  
Washington, D.C. 20230

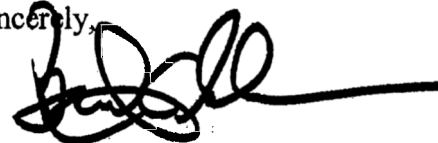
Dear Secretary Evans:

I have received the attached communication from Westchester County Executive Andrew J. Spano regarding New York State's decision concerning the Millennium Pipeline Project. On May 9, 2002 the New York State Department of State issued a decision finding that the proposal to construct the Millennium Pipeline across the Hudson River was inconsistent with New York's federally approved coastal management plan and policies. The Project's plan to blast in the Hudson River was not included in the original proposal to FERC and therefore, was not evaluated in FERC's review and decision. County Executive Spano argues that there is the possibility of harm to wildlife and water supplies in the area due to such blasting and dredging. As a result of these findings, the State found alternatives that are more environmentally protective and responsive to New York State's need for clean, domestic energy sources.

Millennium has stated that it will appeal the State's decision to your office. While this project is an important issue in this area, the health and safety of my constituents is and has always been my primary concern. I believe that the State's decision has identified viable alternatives to the route proposed by Columbia Gas Transmission. Accordingly, we would welcome your early review and response to this matter and every appropriate consideration -- which can be given will be appreciated. Kindly forward me a copy of your Department's response. Thank you for your kind attention to this matter.

With best wishes,

Sincerely,



BENJAMIN A. GILMAN  
Member of Congress

Enclosure  
BAG:mkb

PLEASE REPLY TO:

WASHINGTON OFFICE:  
2449 RAYBURN BUILDING  
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FAX: (845) 357-0984

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HASTINGS-ON-HUDSON  
☐ TELEPHONE: (914) 478-5550

Web Page: <http://www.house.gov/gilman>

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**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

The Honorable Benjamin A. Gilman  
U.S. House of Representatives  
Washington, D.C. 20515

AUG 28 2002

Dear Representative Gilman

Thank you for your letter to the Secretary of Commerce Donald L. Evans concerning the objection of the New York Department of State (New York State) to the Millennium Pipeline Company, L.P., (Millennium Pipeline) application for a Federal Energy Regulatory Commission permit to operate a natural gas pipeline. This appeal is now before the Secretary for review under the Coastal Zone Management Act (CZMA) and I am responding on his behalf.

New York State's participation in the federal Coastal Zone Management Program, authorized by the CZMA, entitles it to require applicants for a Federal license or permit, affecting the coastal uses or resources of New York, to be consistent with New York State's federally approved coastal management program. The CZMA also allows applicants, in this case Millennium Pipeline, who have received an objection from a state with an approved coastal program, to appeal to the Secretary of Commerce to allow the proposed activity to be permitted if the Secretary finds the proposed activity is consistent with the objectives of the CZMA or otherwise necessary in the interest of national security. 16 U.S.C. 1456(c) (3) (A).

Millennium Pipeline filed an appeal with the Secretary on June 7, 2002. You have inquired about our review of the subjects raised in the appeal. As the appeal is now a pending matter, my response is limited to procedural issues.

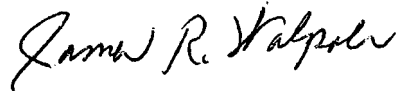
The development of an administrative record, upon which the Secretary's decision is based, is undertaken by the National Oceanic and Atmospheric Administration's (NOAA) Office of General Counsel. NOAA will handle this consistency appeal in the normal course, applying the rules of procedure provided in 15 CFR 930 Subpart H.

As part of the regular consistency appeal procedures, there will be an opportunity for public comment on the consistency appeal. Notice of the opportunity for public comment will be provided in the Federal Register and in the newspapers of the localities affected by the proposed activity. Also, a public hearing will be held in Westchester County during the public comment period.



at a time to be determined. We have added your letter to the administrative record and look forward to receiving your comments on the effects of Millennium Pipeline's proposed activity on the coastal uses and resources of New York and on any other issues concerning the Millennium appeal. We will be sure to notify your offices of both the public comment period and the public hearing in a timely manner. Further inquiries should be addressed to Karl Gleaves, Office of General Counsel for Ocean Services, (301) 713-2967, extension 204.

Sincerely,

A handwritten signature in cursive script, reading "James R. Walpole".

James R. Walpole  
General Counsel